

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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FREEDOM MORTGAGE CORPORATION,

Plaintiff,

v.

FABIAN ASTUDILLO and NEW YORK CITY  
TRANSIT ADJUDICATION BUREAU,

Defendants.  
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**ORDER**

19-CV-3591 (WFK) (VMS)

**WILLIAM F. KUNTZ, II, United States District Judge:**

On August 23, 2024, the Honorable Magistrate Judge Vera M. Scanlon issued a Report and Recommendation (“R&R”) recommending granting Plaintiff’s motion to vacate the default judgment of foreclosure and sale entered in this action, pursuant to Federal Rule of Civil Procedure 60(b)(5), and directing the cancellation of the related notice of pendency, pursuant to New York Civil Practice Law and Rules § 6514. ECF No. 31; *see also* ECF No. 23.

The parties did not file any objections to the R&R, which were due by Friday, September 6, 2024. *See* 28 U.S.C. § 636(b)(1)(C); Fed. R. Civ. P. 72(b)(2). The Court reviews an R&R for clear error when no objections have been filed. *See Covey v. Simonton*, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007) (Garaufis, J.). The Court finds no such error here and therefore adopts the R&R in its entirety. As such, the Court GRANTS Plaintiff’s motion at ECF No. 23. Specifically, the Court VACATES the default judgment of foreclosure and sale entered in this action and DIRECTS the cancellation of the related notice of pendency.

Plaintiff is directed to serve a copy of this Order upon Defendants and file proof of service on ECF by October 2, 2024.

The Clerk of Court is respectfully directed to terminate the motions pending at ECF Nos. 22,<sup>1</sup> 23, and 31.

SO ORDERED.

  
s/WFK

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HON. WILLIAM F. KUNTZ, II  
UNITED STATES DISTRICT JUDGE

Dated: September 30, 2024  
Brooklyn, New York

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<sup>1</sup> R&R at 1 n.1 (“The Court notes that the filing at ECF No. 22, which was filed as a motion to vacate the default judgment at ECF No. 20 as well, appears to have been incorrectly filed in this action, as the filing pertains to another action in state court. As such, the Court respectfully recommends that this purported motion be terminated.”).